



UNITED STATES PATENT AND TRADEMARK OFFICE

cc  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,179	04/02/2001	Nobuhiro Kihara	SON-1112/DIV	8871
7590	02/10/2004		EXAMINER	CHANG, AUDREY Y
Ronald P. Kananen RADER, FISHMAN & GRAUER, PLLC Suite 501 1233 20th Street, N.W. Washington, DC 20036			ART UNIT	PAPER NUMBER
			2872	
				DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

C/N

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/822,179	KIHARA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Audrey Y. Chang	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25,27-31 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 25, 27-31 and 33-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Remark***

- This Office Action is in response to applicant's amendment filed on December 1, 2003, which has been entered.
- By this amendment, the applicant has amended claims 25, 30 and 36 and has canceled claims 26 and 32.
- Claims 25, 27-31, 33-39 remain pending in this application.
- The objection to claim 36 set forth in the previous Office Action is withdrawn in response to applicant's amendment.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 25-28, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Frosch et al (PN. 3,796,476) in view of the patent issued to McGrew (PN. 4,411,489).**

*The reasons for rejection are set forth in the previous Office Action.*

Claims 25 and 30 have been amended to include the feature that the light inlet block is columnar shaped and is adapted for rotating movement. Frosch et al does not teach explicitly that the light inlet block is of column shape but there is no prevention for the light inlet block to be adapted to

Art Unit: 2872

rotating movement. McGrew teaches to use a prism block (54, Figure 1) for directing the recording light to the recording medium wherein the prism block is of *column shape* and is *adapted for rotation movement*, with respect to the rotation movement of the recording medium, (please see Figure 1). It would then have been obvious to one skilled in the art to apply the teachings of McGrew to replace the prism block or light inlet block of Frosch et al with a column shape that adopted for rotation movement for the benefit of making the light inlet block suitable for roller type of recording medium.

**3. Claims 29, 35 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patents issued to Frosch et al and McGrew as applied to claims 25 and 30 above, and further in view of the patent issued to Hotta et al (PN. 5,504,593).**

*The reasons for rejection are set forth in the previous Office Action and paragraph above.*

**4. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patents issued to Frosch et al and McGrew as applied to claim 30 above, and further in view of the patent issued to Ishikawa et al (PN. 5,798,850).**

*The reasons for rejection are set forth in the previous Office Action and paragraph above.*

***Response to Arguments***

5. Applicant's arguments filed on December 1, 2003 have been fully considered but they are not persuasive. The amended claims have been fully considered and they are rejected for the reasons stated above.

6. In response to applicant's arguments which state that the cited Frosch reference and the McGrew reference do not teach a light inlet block that is column shaped and adapted to rotating movement, the examiner respectfully disagrees. Firstly, there is nothing prevents the light inlet block of Frosch from

Art Unit: 2872

rotation movement. The light inlet block can be under rotation movement while in contact with the recording medium, and it will not change the recording process. Secondly, the prism block (54) of McGrew has column shape and it is also adapted to rotation movement relative to the rotation movement of the recording medium. The applicant is respectfully reminded that the properties of the light inlet block that are **essential** to the recording process is to *direct light to incident on the recording medium*, in that respect both the light inlet block of Frosch and prism block of McGrew achieve the function. The geometric shape of the inlet block, whether to be prism or column shape, will not effect the recording process, (as demonstrated by the cited Frosch reference and instant application). Furthermore, the rotation movement of the inlet block will also be irrelevant to the recording process as long as the inlet block is in contact with the recording medium so that the incident angle of the light is not changed. The features concerning the light inlet block recited in the claims therefore do not provide a patentable distinction to the prior art references.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2872

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Audrey Y. Chang  
Primary Examiner  
Art Unit 2872*

A. Chang, Ph.D.